



Discover Pass

Policy for

Designating and Signing Department of Natural Resource-managed Recreation Areas and Sites

Goal: Clearly and transparently communicate to the recreating public where they will and will not need a "Discover Pass." O Department of Natural Resources (DNR)-managed lands and the value they receive from that investment.

Background

Legislation

The 2011 legislature passed, and the Governor enacted, ESSB 5622 "Concerning recreation access on state lands" which establishes the "Discover Pass", a, outdoor recreation user pass to access all state natural resource lands. The new law states that:

Sec. 3(1) A discover pass is required for any motor vehicle to park or operate on any recreation site or lands...

and

Sec. 2(7) "Recreation site or lands" means a state park or fish and wildlife conservation sites including water access areas, boat ramps, wildlife areas, parking areas, roads, and trailheads, or department of natural resources developed or designated recreation areas, sites, trailheads, and parking areas.

Recreational Use on DNR managed lands

Recreational use on DNR-managed lands includes designated and signed **developed** campgrounds, trails and trailheads and **dispersed** recreation activities (hunting, gathering, fishing, geo-caching etc). The public also has access to 12,000 miles of DNR-managed logging roads that provide access to more than 3 million acres of state trust land. In addition, there are also thousands of miles of user-built trails and facilities that are not managed or maintained by DNR because of chronic underfunding for the agencies recreation program. Funding and other resources have not been sufficient to keep up with the demands of the recreating public.

The intent of the Discover Pass legislation is to have the public who access state lands for recreational purposes to help contribute to the management and maintenance of these lands. DNR's road system, comprises more road mileage than any other

government entity in the state, provides the recreating public with a vast array of designated recreational opportunities as well as dispersed recreation opportunities, such as hunting fishing, mushrooming, birding, cross country hiking, etc.

In 2007, the agency conducted a recreation inventory to identify those DNR managed landscapes that the public uses, regardless of whether or not there was a designated recreation trail or facility within the block of land. Staff identified a total 74 landscapes across the state that the public uses for recreational purposes. (See attached spreadsheet.)

The agency has also analyzed documented uses and abuse of DNR managed lands by overlaying DNR's Law Enforcement data base on top of those same 74 landscapes. There is a strong correlation between the 74 landscapes and public use and abuse that occurs on state lands (see attached map). These uses and abuses cost the state SNR and the trust land beneficiaries significant resources in cleaning up garbage, damage to trust assets and the environment, replacing signs used for target practice, etc. The DNR Law Enforcement database has tracked more than 7,800 enforcement incidents since 2006 across the state with more than 95 percent occurring within the 74 landscapes.

Building on this analysis and the legislative direction in ESSB 5622, the DNR has adopted the following criteria to identify the DNR managed recreation areas should be designated and signed to require a "Discover Pass".

Statutory Designations

The Discover Pass is required for any motor vehicle parked or operating on developed recreation areas, sites, trailheads, and parking areas. All such areas will be clearly signed/posted (designated) by the DNR.

Agency Designation

State law authorizes DNR to "designate" recreation areas on which the Discover Pass will be required. Such designations will be done by Commissioner's order, and the sites will be clearly signed/posted by the agency. The DNR will designate "recreation areas" that do not meet the statutory designation if they meet one or more of the following criteria:

- 1) Have and adopted "recreation area plan" that is actively being implemented;
- 2) Have documented management costs resulting from documented recreation use/abuse, including but not limited to:
 - a. recreational use beyond just the local recreationalists
 - b. Frequent vandalism
 - c. Chronic garbage dumping
 - d. Numerous user-built trails, campgrounds and parking lots (unauthorized by the DNR)

- e. damage to public resources and the environment
- f. damage to trust land assets

Sign installation strategy

Phase I. June, July and August 2011

Install signs at statutorily designated recreation facilities (campgrounds and trailheads)

Phase II. Start July 2011

Install signs in landscapes (agency designated recreation areas) that have designated recreation trails and facilities (e.g., Capitol State Forest, Tiger Mountain, etc)

Phase III. Start September 2011

Install signs in landscapes (agency designated recreation areas) that are heavily used by the public for dispersed recreation or have developed extensive unauthorized trail systems and facilities.

Phase IV. Ongoing

Incorporate new recreation sites and/or areas as they are either developed and/or the public use becomes so high that it causes environmental damage, is raising public safety concerns, impacts the department's ability to manage the land for the benefit of the trust, and/or the public abuse and criminal activity justifies continuing enforcement actions.



Discover Pass

Implementation Strategy for Designating and Signing Areas and Sites

Goal: Clearly and transparently communicate to the recreating public where they will and will not need a "Discover Pass." and the value they receive from that investment.

Background

Legislation

The legislature defined that "recreation site or lands" means a state park or fish and wildlife conservation sites including water access areas, boat ramps, wildlife and natural areas, parking areas, roads, and trailheads, or DNR-developed or designated recreation areas, sites, trailheads, and parking areas.

The intent of the legislation was to have recreational users (developed and dispersed) carry the cost of maintaining in and managing recreation use of state lands.

Recreational Use on DNR managed lands

Recreational use on DNR-managed lands includes **designated** developed campgrounds, trails and trailheads and **dispersed** recreation activities (hunting, gathering, fishing, geo-caching etc). In addition, the public has access to 12,000 miles of DNR-managed logging roads that provide access to more than 3 million acres of state trust land. In addition, there are also thousands of miles of user-built trails and facilities that are not managed or maintained by DNR.

In 2007, DNR's region staff identified those blocks of land that the public uses, regardless of whether or not there was a designated recreation trail or facility within the block of land. Staff identified a total 74 landscapes across the state that the public uses for recreational purposes. (See attached spreadsheet.)

This use and abuse was collaborated by Overlaying DNR's Law Enforcement IRAD data base on top of the 74 landscapes. In doing so we discovered a strong correlation between the 74 landscapes and public use and abuse that occurs on state lands (see attached map). The IRAD system has tracked more than 7,800 enforcement incidents since 2006 across the state with more than 95 percent occurring within the 74 landscapes.

Proposed Implementation Strategy

The intent of the Discover Pass legislation is to have the public who access state lands for recreational purposes to help contribute to the management and maintenance of these lands. DNR's road system, more mileage than any other government entity, provides the recreating public with a vast array of designated recreational opportunities and, more importantly, dispersed opportunities, such as hunting fishing, mushrooming, birding, cross country hiking, etc.

However, along with this access comes a high cost of road maintenance, vandalism (signs shot up, gates destroyed), unauthorized trails causing damage to public resources, etc. Funding from the Discover Pass will help manage and maintain both designated and dispersed recreational activities.

The designation of the 74 Recreation Area's is based on the following criteria

- Blocks of DNR land that have designated recreation trails and facilities ✓
- Blocks of land that are over 1,000 acres in size and are actively being used by the public. ✓
- Above normal IRAD recorded abuse or criminal activities ✓
- Continuous expenditure of funds or volunteer efforts to pick up garbage ✓
- Construction of unauthorized trails ✓
- Unauthorized shooting that poses a health and safety risk. ✓
- Document environmental damage cause by unauthorized use ✓
- ~~High use hunting areas areas managed in conjunction with DF&W~~
- ~~Levels and types of public access that impedes the department's ability to fulfill our trust obligations.~~

Implementation Options

Option 1

To avoid confusing the public we propose to designate through Commissioner Order 74 landscapes and any outlying recreation sites as "Recreation Area's" or "Recreation Site" that would require a discover pass. The areas would only be enforced if all the ingress and egresses have been signed and a map posted to the web site. As additional sites or areas are developed they would be incorporated through a Commissioner Order.

Option 2

"Recreation Site's" and "Recreation Area's" will be implemented through a Commissioner Order in a phased approach based on our ability to get the signs up and more fine tuning. The following are the proposed four phases:

Phase I. June, July and August 2011

Install signs at designated recreation facilities (campgrounds and trailheads)

Phase II. Start July 2011

Install signs in landscapes (recreation areas) that have designated recreation trails and facilities (e.g., Capitol State Forest, Tiger Mountain, etc)

Phase III. Start September 2011

Install signs in landscapes (recreation areas) that are heavily used by the public for dispersed recreation or have developed extensive unauthorized trail systems and facilities.

Phase IV.

Incorporate new recreation sites and/or areas as they are either developed and/or the public use becomes so high that it causes environmental damage, is raising public safety concerns, impacts the department's ability to manage the land for the benefit of the trust, and/or the public abuse and criminal activity justifies continuing enforcement actions.

2/17/11

1 AN ACT Relating to recreation access on state lands; amending RCW
2 4.24.210, 46.16A.090, 7.84.030, 79A.05.160, 43.12.065, 77.15.020,
3 77.32.560, 77.32.010, 77.15.750, 43.30.385, 79A.05.215, 77.12.170, and
4 79A.05.070; adding a new section to chapter 7.84 RCW; adding a new
5 chapter to Title 79A RCW; repealing RCW 77.32.380; prescribing
6 penalties; providing effective dates; and declaring an emergency.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

8 NEW SECTION. **Sec. 1.** (1) The legislature finds that there is an
9 increasing demand for outdoor recreation opportunities and conservation
10 measures on lands managed by the department of fish and wildlife, the
11 department of natural resources, and the parks and recreation
12 commission. Development and maintenance of outdoor recreation
13 facilities and conservation of lands have not kept pace with this
14 demand. This demand, combined with shrinking resources for management,
15 has led to the degradation of our lands to the detriment of the
16 recreating public and efforts to conserve our natural resources.

17 (2) The legislature further finds that the recreating public cannot
18 readily discern which agency of the state is responsible for the

1 management of particular state lands or which policies apply to those
2 lands.

3 (3) It is the intent of this act to reform and improve access to
4 and management of state lands on a sustainable basis for the recreating
5 public by: Providing a vehicle access permit and access policies for
6 state lands; recovering the cost incurred by the state for operations
7 and management of recreation opportunities; providing resources to
8 address the growing demand and impacts of outdoor recreationists and
9 conservation of our natural resources; and providing effective
10 education and enforcement of state land access policies.

11 NEW SECTION. **Sec. 2.** The definitions in this section apply
12 throughout this chapter unless the context clearly requires otherwise.

13 (1) "Agency" or "agencies" means the department of fish and
14 wildlife, the department of natural resources, and the parks and
15 recreation commission.

16 (2) "Camper registration" means proof of payment of a camping fee
17 on recreational lands managed by the parks and recreation commission.

18 (3) "Discover pass" means the annual pass created in section 3 of
19 this act.

20 (4) "Recreation site or lands" means a state park or any area
21 managed by an agency for outdoor recreation or fish and wildlife
22 conservation including water access areas, boat ramps, wildlife areas,
23 parking areas, roads, trailheads, and trails under ownership,
24 management, lease, or control of the agency, or "public lands" as
25 defined in RCW 79.02.010.

26 (5) "Vehicle" has the same meaning as defined in RCW 46.04.670
27 excluding those vehicles not required to be registered under RCW
28 46.16A.080. *problem = includes 'trailers'*

29 NEW SECTION. **Sec. 3.** (1) The discover pass is created as a
30 renewable annual pass that is required to access, park a vehicle on, or
31 drive a vehicle on any recreation site or lands.

32 (2) Cost of the discover pass is thirty dollars per vehicle. The
33 cost of the discover pass must be adjusted once every two years for
34 inflation by the office of financial management.

35 (3) The discover pass is valid for one year from the date of
36 issuance.

1 (4) The discover pass must be made available for purchase
2 throughout the year through the department of fish and wildlife's
3 automated licensing system consistent with RCW 77.32.050.

4 (5) The discover pass must be made available for purchase through
5 the department of licensing as provided in RCW 46.16A.090.

6 (6) The state parks and recreation commission may make the discover
7 pass available for purchase through its reservation system and other
8 outlets authorized by law to sell licenses, permits, or passes.

9 (7) The discover pass must contain space for the vehicle license
10 plate number.

11 (8) A complimentary discover pass must be provided to a volunteer
12 who performed twenty-four hours of service on agency-sanctioned
13 volunteer projects in a year. The agency must provide vouchers to
14 volunteers identifying the number of volunteer hours they have provided
15 for each project. The vouchers may be brought to an agency to be
16 redeemed for a discover pass.

17 **NEW SECTION.** **Sec. 4.** A person may purchase a day-use permit to
18 meet the requirements of section 7 of this act. The day-use permit is
19 ten dollars per day and must be available for purchase from each
20 agency. The day-use permit is valid for one calendar day. The cost of
21 the day-use permit must be adjusted once every two years for inflation
22 by the office of financial management.

23 **NEW SECTION.** **Sec. 5.** (1) The vehicle access pass is created
24 solely for access to the department of fish and wildlife recreation
25 sites or lands. The vehicle access pass is only available to a person
26 who purchases a current valid: Big game hunting license issued under
27 RCW 77.32.450; small game hunting license issued under RCW 77.32.460;
28 western Washington pheasant permit issued under RCW 77.32.575; trapping
29 license issued under RCW 77.65.450; watchable wildlife decal issued
30 under RCW 77.32.560; or combination, saltwater, or freshwater personal
31 use fishing license issued under RCW 77.32.470.

32 (2) The cost of the vehicle access pass is seven dollars per
33 vehicle. The cost of the vehicle access pass must be adjusted once
34 every two years for inflation by the office of financial management.

35 (3) Only one vehicle access pass may be issued per purchase of

1 hunting or fishing license pursuant to subsection (1) of this section.
2 An additional vehicle access pass may be purchased for five dollars.

3 (4) The vehicle access pass is valid for the license year of the
4 license it is purchased with.

5 NEW SECTION. **Sec. 6.** (1) The discover pass or the day-use permit
6 are not required for persons who have a valid camper registration
7 issued by the state parks and recreation commission.

8 (2) The state parks and recreation commission may provide up to
9 twelve days a year where entry to the state parks is free. At least
10 three of those days must be on weekends.

- Needs to require TAB # recorded for VALIDITY

11 NEW SECTION. **Sec. 7.** (1) The discover pass, the vehicle access
12 pass, or the day-use permit must be visibly displayed in the front
13 windshield of any vehicle:

- 14 (a) Driving in a recreation site or lands; or
15 (b) Parked at a recreation site or lands.

16 (2) The discover pass, the vehicle access pass, or the day-use
17 permit is not required on private lands, state-owned aquatic lands
18 other than water access areas, or at agency offices, hatcheries, or
19 other facilities where public business is conducted.

20 (3)(a) The discover pass, the vehicle access pass, or the day-use
21 permit is not required for persons who use, possess, or enter lands
22 owned or managed by the agencies for purposes consistent with a written
23 authorization from the agency, including but not limited to leases,
24 contracts, and easements.

25 (b) The discover pass or the day-use permit is not required on
26 department of fish and wildlife lands for persons possessing a current
27 vehicle access pass pursuant to section 5 of this act.

28 (4)(a) Failure to comply with subsection (1)(a) of this section is
29 a natural resource infraction under chapter 7.84 RCW. An agency is
30 authorized to issue a notice of infraction to any person who fails to
31 comply with subsection (1)(a) of this section.

32 (b) Failure to comply with subsection (1)(b) of this section is a
33 parking infraction and citations issued under this subsection are
34 governed by chapter 7.84 RCW. An agency is authorized to issue a
35 notice of infraction to any motor vehicle that fails to comply with
36 subsection (1)(b) of this section.

1 (5) The penalty for failure to comply with the requirements of this
2 section is ninety-nine dollars. This penalty is reduced to fifty-nine
3 dollars if an individual provides proof of purchase of the discover
4 pass to the court within fifteen days after the issuance of the notice
5 of violation.

6 NEW SECTION. **Sec. 8.** (1) The recreation access pass account is
7 created in the state treasury. All moneys received from the sale of
8 discover passes, vehicle access passes, and day-use permits must be
9 deposited into the account.

10 (2) Each fiscal biennium, the first seventy-one million dollars in
11 revenue must be distributed to the agencies in the following manner:

12 (a) Eight percent to the department of fish and wildlife and
13 deposited into the state wildlife account created in RCW 77.12.170;

14 (b) Eight percent to the department of natural resources and
15 deposited into the park land trust revolving fund created in RCW
16 43.30.385; and

17 (c) Eighty-four percent to the state parks and recreation
18 commission and deposited into the state parks renewal and stewardship
19 account created in RCW 79A.05.215.

20 (3) Each fiscal biennium, revenues in excess of seventy-one million
21 dollars must be distributed equally among the agencies to the accounts
22 identified in subsection (2) of this section.

23 **Sec. 9.** RCW 4.24.210 and 2006 c 212 s 6 are each amended to read
24 as follows:

25 (1) Except as otherwise provided in subsection (3) or (4) of this
26 section, any public or private landowners or others in lawful
27 possession and control of any lands whether designated resource, rural,
28 or urban, or water areas or channels and lands adjacent to such areas
29 or channels, who allow members of the public to use them for the
30 purposes of outdoor recreation, which term includes, but is not limited
31 to, the cutting, gathering, and removing of firewood by private persons
32 for their personal use without purchasing the firewood from the
33 landowner, hunting, fishing, camping, picnicking, swimming, hiking,
34 bicycling, skateboarding or other nonmotorized wheel-based activities,
35 hanggliding, paragliding, rock climbing, the riding of horses or other
36 animals, clam digging, pleasure driving of off-road vehicles,

1 snowmobiles, and other vehicles, boating, nature study, winter or water
2 sports, viewing or enjoying historical, archaeological, scenic, or
3 scientific sites, without charging a fee of any kind therefor, shall
4 not be liable for unintentional injuries to such users.

5 (2) Except as otherwise provided in subsection (3) or (4) of this
6 section, any public or private landowner or others in lawful possession
7 and control of any lands whether rural or urban, or water areas or
8 channels and lands adjacent to such areas or channels, who offer or
9 allow such land to be used for purposes of a fish or wildlife
10 cooperative project, or allow access to such land for cleanup of litter
11 or other solid waste, shall not be liable for unintentional injuries to
12 any volunteer group or to any other users.

13 (3) Any public or private landowner, or others in lawful possession
14 and control of the land, may charge an administrative fee of up to
15 twenty-five dollars for the cutting, gathering, and removing of
16 firewood from the land.

17 (4) Nothing in this section shall prevent the liability of a
18 landowner or others in lawful possession and control for injuries
19 sustained to users by reason of a known dangerous artificial latent
20 condition for which warning signs have not been conspicuously posted.
21 A fixed anchor used in rock climbing and put in place by someone other
22 than a landowner is not a known dangerous artificial latent condition
23 and a landowner under subsection (1) of this section shall not be
24 liable for unintentional injuries resulting from the condition or use
25 of such an anchor. Nothing in RCW 4.24.200 and this section limits or
26 expands in any way the doctrine of attractive nuisance. Usage by
27 members of the public, volunteer groups, or other users is permissive
28 and does not support any claim of adverse possession.

29 (5) For purposes of this section, the following are not fees:

30 (a) A license or permit issued for statewide use under authority of
31 chapter 79A.05 RCW or Title 77 RCW; ((and))

32 (b) A pass or permit issued under section 3, 4, or 5 of this act;
33 and

34 (c) A daily charge not to exceed twenty dollars per person, per
35 day, for access to a publicly owned ORV sports park, as defined in RCW
36 ((46.09.020)) 46.09.310, or other public facility accessed by a
37 highway, street, or nonhighway road for the purposes of off-road
38 vehicle use.

1 **Sec. 10.** RCW 46.16A.090 and 2010 c 161 s 420 are each amended to
2 read as follows:

3 (1) The department, county auditor or other agent, or subagent
4 appointed by the director shall provide an opportunity for a vehicle
5 owner to make a voluntary donation as provided in this section when
6 applying for an initial or renewal vehicle registration.

7 (2) (a) A vehicle owner who registers a vehicle under this chapter
8 may donate one dollar or more to the organ and tissue donation
9 awareness account to promote the donation of organs and tissues under
10 the uniform anatomical gift act as described in chapter 68.64 RCW. The
11 donation of one or more dollars is voluntary and may be refused by the
12 vehicle owner.

13 (b) The department, county auditor or other agent, or subagent
14 appointed by the director shall:

15 (i) Ask a vehicle owner applying for a vehicle registration if the
16 owner would like to donate one dollar or more;

17 (ii) Inform a vehicle owner of the option for organ and tissue
18 donations as required under RCW 46.20.113; and

19 (iii) Make information booklets or other informational material
20 available regarding the importance of organ and tissue donations to
21 vehicle owners.

22 (c) All reasonable costs associated with the creation of the
23 donation program created under this section must be paid proportionally
24 or by another agreement by a participating Washington state organ
25 procurement organization established for organ and tissue donation
26 awareness purposes by the Washington state organ procurement
27 organizations. For the purposes of this section, "reasonable costs"
28 and "Washington state organ procurement organization" have the same
29 meaning as in RCW 68.64.010.

30 (3) ~~((The department shall collect from a vehicle owner who pays a
31 vehicle license fee under RCW 46.17.350(1) (a), (d), (e), (g), (h),
32 (j), (n), (o), or (q) or who registers a vehicle under RCW 46.16A.455
33 with a declared gross weight of ten thousand pounds or less a voluntary
34 donation of five dollars. The donation may not be collected from any
35 vehicle owner actively opting not to participate in the donation
36 program. The department shall ensure that the opt out donation under
37 this section is clear, visible, and prominently displayed in both paper
38 and online vehicle registration renewals. Notification of intent to~~

1 not participate in the donation program must be provided annually at
2 the time of vehicle registration renewal. The donation must be
3 deposited in the state parks renewal and stewardship account
4 established in RCW 79A.05.215 to be used for the operation and
5 maintenance of state parks.)) Beginning with vehicle license fees that
6 are due or will become due on or after the effective date of this
7 section, a vehicle owner who registers a vehicle under this chapter may
8 purchase a discover pass for a fee of thirty dollars, as may be
9 adjusted for inflation under section 3 of this act. Purchase of the
10 discover pass is voluntary by the vehicle owner. The discover pass fee
11 must be deposited in the recreation access pass account created in
12 section 8 of this act.

13 **NEW SECTION.** **Sec. 11.** A new section is added to chapter 7.84 RCW
14 to read as follows:

15 The director chosen by the state parks and recreation commission,
16 the commissioner of public lands, and the director of the department of
17 fish and wildlife are each authorized to delegate and accept
18 enforcement authority over natural resource infractions to or from the
19 other agencies through an agreement entered into under the interlocal
20 cooperation act, chapter 39.34 RCW.

21 **Sec. 12.** RCW 7.84.030 and 2009 c 174 s 1 are each amended to read
22 as follows:

23 (1) An infraction proceeding is initiated by the issuance and
24 service of a printed notice of infraction and filing of a printed or
25 electronic copy of the notice of infraction.

26 (2) A notice of infraction may be issued by a person authorized to
27 enforce the provisions of the title or chapter in which the infraction
28 is established, or by a person authorized by an interlocal agreement
29 entered into under section 11 of this act, when the infraction occurs
30 in that person's presence.

31 (3) A court may issue a notice of infraction if a person authorized
32 to enforce the provisions of the title or chapter in which the
33 infraction is established, or by a person authorized by an interlocal
34 agreement entered into under section 11 of this act, files with the
35 court a written statement that the infraction was committed in that

1 person's presence or that the officer has reason to believe an
2 infraction was committed.

3 (4) Service of a notice of infraction issued under subsection (2)
4 or (3) of this section shall be as provided by court rule.

5 (5) A notice of infraction shall be filed with a court having
6 jurisdiction within five days of issuance, excluding Saturdays,
7 Sundays, and holidays.

8 **Sec. 13.** RCW 79A.05.160 and 1965 c 8 s 43.51.170 are each amended
9 to read as follows:

10 (1) The members of the ((state parks and recreation)) commission
11 and ((such of)) its designated employees ((as the commission may
12 designate)) shall be vested with police powers to enforce the laws of
13 this state.

14 (2) The director may, under the provisions of section 11 of this
15 act, enter into an agreement allowing employees of the department of
16 natural resources and the department of fish and wildlife to enforce
17 certain civil infractions created under this title.

18 **Sec. 14.** RCW 43.12.065 and 2003 c 53 s 229 are each amended to
19 read as follows:

20 (1) For the promotion of the public safety and the protection of
21 public property, the department of natural resources may, in accordance
22 with chapter 34.05 RCW, issue, promulgate, adopt, and enforce rules
23 pertaining to use by the public of state-owned lands and property which
24 are administered by the department.

25 (2) (a) Except as otherwise provided in this subsection, a violation
26 of any rule adopted under this section is a misdemeanor.

27 (b) Except as provided in (c) of this subsection, the department
28 may specify by rule, when not inconsistent with applicable statutes,
29 that violation of such a rule is an infraction under chapter 7.84
30 RCW ((+ PROVIDED, That)). However, any violation of a rule relating to
31 traffic including parking, standing, stopping, and pedestrian offenses
32 is a traffic infraction.

33 (c) Violation of such a rule equivalent to those provisions of
34 Title 46 RCW set forth in RCW 46.63.020 remains a misdemeanor.

35 (3) The commissioner of public lands and ((such of his or her))

1 those employees as ((he or she)) the commissioner may designate shall
2 be vested with police powers when enforcing:

3 (a) The rules of the department adopted under this section; ((or))

4 (b) The civil infractions created under section 7 of this act; or

5 (c) The general criminal statutes or ordinances of the state or its
6 political subdivisions where enforcement is necessary for the
7 protection of state-owned lands and property.

8 (4) The commissioner of public lands may, under the provisions of
9 section 11 of this act, enter into an agreement allowing employees of
10 the state parks and recreation commission and the department of fish
11 and wildlife to enforce certain civil infractions created under this
12 title.

13 **Sec. 15.** RCW 77.15.020 and 2005 c 321 s 2 are each amended to read
14 as follows:

15 (1) If the commission or director has authority to adopt a rule
16 that is punishable as a crime under this chapter, then the commission
17 or director may provide that violation of the rule shall be punished
18 with notice of infraction under RCW 7.84.030. Neither the commission
19 nor the director have the authority to adopt a rule providing that a
20 violation punishable as an infraction shall be a crime.

21 (2) The director may, under the provisions of section 11 of this
22 act, enter into an agreement allowing employees of the state parks and
23 recreation commission and the department of natural resources to
24 enforce certain civil infractions created under this title.

25 NEW SECTION. **Sec. 16.** (1) Counties, cities, and towns may
26 require, through posted notice, parked vehicles located in parks or on
27 roads under their control, within one-half mile of recreational sites
28 and lands, to have the discover pass or a day-use permit created in
29 section 4 of this act visibly displayed in the front windshield.

30 (2) A violation of this section is a parking infraction.

31 **Sec. 17.** RCW 77.32.560 and 2009 c 333 s 42 are each amended to
32 read as follows:

33 (1) The department may sell watchable wildlife decals. Proceeds
34 from the sale of the decal must be deposited into the state wildlife
35 account created in RCW 77.12.170 and must be dedicated to the support

1 of the department's watchable wildlife activities. The department may
2 also use proceeds from the sale of the decal for marketing the decal
3 and for marketing watchable wildlife activities in the state.

4 (2) The term "watchable wildlife activities" includes but is not
5 limited to: Initiating partnerships with communities to jointly
6 develop watchable wildlife projects, building infrastructure to serve
7 wildlife viewers, assisting and training communities in conducting
8 wildlife watching events, developing destination wildlife viewing
9 corridors and trails, tours, maps, brochures, and travel aides, and
10 offering grants to assist rural communities in identifying key wildlife
11 attractions and ways to protect and promote them.

12 (3) The commission must adopt by rule the cost of the watchable
13 wildlife decal. A person may, at their discretion, contribute more
14 than the cost as set by the commission by rule for the watchable
15 wildlife decal in order to support watchable wildlife activities. ((A
16 person who purchases a watchable wildlife decal must be issued one
17 vehicle use permit free of charge.))

18 **Sec. 18.** RCW 77.32.010 and 2009 c 564 s 956 are each amended to
19 read as follows:

20 (1) Except as otherwise provided in this chapter, a recreational
21 license issued by the director is required to hunt for or take wild
22 animals or wild birds, fish for, take, or harvest fish, shellfish, and
23 seaweed. A recreational fishing or shellfish license is not required
24 for carp, smelt, and crawfish, and a hunting license is not required
25 for bullfrogs.

26 (2) A pass or permit issued ((by the department is required to park
27 a motor vehicle upon improved department access facilities)) under
28 section 3, 4, or 5 of this act is required to access, park a vehicle
29 on, or drive a vehicle on a recreation site or lands, as that term is
30 defined in section 2 of this act.

31 (3) During the 2009-2011 fiscal biennium to enable the
32 implementation of the pilot project established in section 307, chapter
33 329, Laws of 2008, a fishing permit issued to a nontribal member by the
34 Colville Tribes shall satisfy the license requirements in subsection
35 (1) of this section on the waters of Lake Rufus Woods and on the north
36 shore of Lake Rufus Woods, and a Colville Tribes tribal member

1 identification card shall satisfy the license requirements in
2 subsection (1) of this section on all waters of Lake Rufus Woods.

3 **Sec. 19.** RCW 77.15.750 and 2010 c 193 s 9 are each amended to read
4 as follows:

5 (1) A person is guilty of unlawful use of a department permit if
6 the person:

7 (a) Violates any terms or conditions of the permit issued by the
8 department or the director; or

9 (b) Violates any rule of the commission or the director applicable
10 to the requirement for, issuance of, or use of the permit.

11 (2)(a) Permits covered under subsection (1) of this section
12 include, but are not limited to, master hunter permits, crab pot
13 removal permits and shellfish pot removal permits under RCW 77.70.500,
14 depredation permits, landowner hunting permits, commercial carp license
15 permits, permits to possess or dispense beer or malt liquor pursuant to
16 RCW 66.28.210, and permits to hold, sponsor, or attend an event
17 requiring a banquet permit from the liquor control board.

18 (b) Permits excluded from subsection (1) of this section include
19 ~~((fish and wildlife lands vehicle use permits))~~ the discover pass
20 created in section 3 of this act, the vehicle access pass created in
21 section 5 of this act, the day-use permit created in section 4 of this
22 act, commercial use or activity permits, noncommercial use or activity
23 permits, parking permits, experimental fishery permits, trial
24 commercial fishery permits, and scientific collection permits.

25 (3) Unlawful use of a department permit is a misdemeanor.

26 (4) A person is guilty of unlawful use of an experimental fishery
27 permit or a trial commercial fishery permit if the person:

28 (a) Violates any terms or conditions of the permit issued by the
29 department or the director; or

30 (b) Violates any rule of the commission or the director applicable
31 to the issuance or use of the permit.

32 (5) Unlawful use of an experimental fishery permit or a trial
33 commercial fishery permit is a gross misdemeanor.

34 (6) The definitions in this subsection apply throughout this
35 section unless the context clearly requires otherwise.

36 (a) "Experimental fishery permit" means a permit issued by the
37 director for either:

1 (i) An "emerging commercial fishery," defined as a fishery for a
2 newly classified species for which the department has determined that
3 there is a need to limit participation; or

4 (ii) An "expanding commercial fishery," defined as a fishery for a
5 previously classified species in a new area, by a new method, or at a
6 new effort level, for which the department has determined that there is
7 a need to limit participation.

8 (b) "Trial commercial fishery permit" means a permit issued by the
9 department for trial harvest of a newly classified species or harvest
10 of a previously classified species in a new area or by a new means.

11 *Drafting error*
12 Sec. 20. RCW 43.30.385 and 2009 c 354 s 9 are each amended to read
13 as follows:

14 (1) The park land trust revolving fund is to be utilized by the
15 department for the purpose of acquiring real property, including all
16 reasonable costs associated with these acquisitions, as a replacement
17 for the property transferred to the state parks and recreation
18 commission, as directed by the legislature in order to maintain the
19 land base of the affected trusts or under RCW 79.22.060 and to receive
20 voluntary contributions for the purpose of operating and maintaining
21 public use and recreation facilities, including trails, managed by the
22 department. Proceeds from transfers of real property to the state
23 parks and recreation commission or other proceeds identified from
24 transfers of real property as directed by the legislature shall be
25 deposited in this fund. Disbursement from the park land trust
26 revolving fund to acquire replacement property and for operating and
27 maintaining public use and recreation facilities shall be on the
28 authorization of the department. The proceeds from real property
29 transferred or disposed under RCW 79.22.060 must be solely used to
30 purchase replacement forest land, that must be actively managed as a
31 working forest, within the same county as the property transferred or
32 disposed. The proceeds from the recreation access pass account created
33 in section 8 of this act must be solely used for the purpose of
34 operating and maintaining public use and recreation facilities,
35 including trails, managed by the department. In order to maintain an
36 effective expenditure and revenue control, the park land trust
revolving fund is subject in all respects to chapter 43.88 RCW, but no

1 appropriation is required to permit expenditures and payment of
2 obligations from the fund.

3 (2) The department is authorized to solicit and receive voluntary
4 contributions for the purpose of operating and maintaining public use
5 and recreation facilities, including trails, managed by the department.
6 The department may seek voluntary contributions from individuals and
7 organizations for this purpose. Voluntary contributions will be
8 deposited into the park land trust revolving fund and used solely for
9 the purpose of public use and recreation facilities operations and
10 maintenance. Voluntary contributions are not considered a fee for use
11 of these facilities.

12 **Sec. 21.** RCW 79A.05.215 and 2010 c 161 s 1164 are each amended to
13 read as follows:

14 The state parks renewal and stewardship account is created in the
15 state treasury. Except as otherwise provided in this chapter, all
16 receipts from user fees, concessions, leases, donations collected under
17 RCW 46.16A.090(3), and other state park-based activities shall be
18 deposited into the account. The proceeds from the recreation access
pass account created in section 8 of this act must be used for the
purpose of operating and maintaining state parks. Expenditures from
21 the account may be used for operating state parks, developing and
22 renovating park facilities, undertaking deferred maintenance, enhancing
23 park stewardship, and other state park purposes. Expenditures from the
24 account may be made only after appropriation by the legislature.

25 **Sec. 22.** RCW 77.12.170 and 2009 c 333 s 13 are each amended to
26 read as follows:

27 (1) There is established in the state treasury the state wildlife
28 account which consists of moneys received from:

29 (a) Rentals or concessions of the department;

30 (b) The sale of real or personal property held for department
31 purposes, unless the property is seized or recovered through a fish,
32 shellfish, or wildlife enforcement action;

33 (c) The assessment of administrative penalties, and the sale of
34 licenses, permits, tags, and stamps required by chapter 77.32 RCW and
35 RCW 77.65.490, except annual resident adult saltwater and all annual

1 razor clam and shellfish licenses, which shall be deposited into the
2 state general fund;

3 (d) Fees for informational materials published by the department;

4 (e) Fees for personalized vehicle, Wild on Washington, and
5 Endangered Wildlife license plates and Washington's Wildlife license
6 plate collection as provided in chapter ~~(46.16)~~ 46.17 RCW;

7 (f) Articles or wildlife sold by the director under this title;

8 (g) Compensation for damage to department property or wildlife
9 losses or contributions, gifts, or grants received under RCW 77.12.320.
10 However, this excludes fish and shellfish overages, and court-ordered
11 restitution or donations associated with any fish, shellfish, or
12 wildlife enforcement action, as such moneys must be deposited pursuant
13 to RCW 77.15.425;

14 (h) Excise tax on anadromous game fish collected under chapter
15 82.27 RCW;

16 (i) The department's share of revenues from auctions and raffles
17 authorized by the commission; ~~(and)~~

18 (j) The sale of watchable wildlife decals under RCW 77.32.560; and

19 (k) Moneys received from the recreation access pass account created
20 in section 8 of this act must be dedicated to stewardship, operations,
21 and maintenance of department lands used for public recreation
22 purposes.

23 (2) State and county officers receiving any moneys listed in
24 subsection (1) of this section shall deposit them in the state treasury
25 to be credited to the state wildlife account.

26 **Sec. 23.** RCW 79A.05.070 and 2006 c 141 s 1 are each amended to
27 read as follows:

28 The commission may:

29 (1) Make rules and regulations for the proper administration of its
30 duties;

31 (2) Accept any grants of funds made with or without a matching
32 requirement by the United States, or any agency thereof, for purposes
33 in keeping with the purposes of this chapter; accept gifts, bequests,
34 devises and endowments for purposes in keeping with such purposes;
35 enter into cooperative agreements with and provide for private
36 nonprofit groups to use state park property and facilities to raise
37 money to contribute gifts, grants, and support to the commission for

1 the purposes of this chapter. The commission may assist the nonprofit
2 group in a cooperative effort by providing necessary agency personnel
3 and services, if available. However, none of the moneys raised may
4 inure to the benefit of the nonprofit group, except in furtherance of
5 its purposes to benefit the commission as provided in this chapter.
6 The agency and the private nonprofit group shall agree on the nature of
7 any project to be supported by such gift or grant prior to the use of
8 any agency property or facilities for raising money. Any such gifts
9 may be in the form of recreational facilities developed or built in
10 part or in whole for public use on agency property, provided that the
11 facility is consistent with the purposes of the agency;

12 (3) Require certification by the commission of all parks and
13 recreation workers employed in state aided or state controlled
14 programs;

15 (4) Act jointly, when advisable, with the United States, any other
16 state agencies, institutions, departments, boards, or commissions in
17 order to carry out the objectives and responsibilities of this chapter;

18 (5) Grant franchises and easements for any legitimate purpose on
19 parks or parkways, for such terms and subject to such conditions and
20 considerations as the commission shall specify;

21 (6) Charge such fees for services, utilities, and use of facilities
22 as the commission shall deem proper (~~(The commission may not charge~~
~~fees for general park access or parking)~~);

23 (7) Enter into agreements whereby individuals or companies may rent
24 undeveloped parks or parkway land for grazing, agricultural, or mineral
25 development purposes upon such terms and conditions as the commission
26 shall deem proper, for a term not to exceed forty years;

27 (8) Determine the qualifications of and employ a director of parks
28 and recreation who shall receive a salary as fixed by the governor in
29 accordance with the provisions of RCW 43.03.040 and determine the
30 qualifications and salary of and employ such other persons as may be
31 needed to carry out the provisions hereof; and

32 (9) Without being limited to the powers hereinbefore enumerated,
33 the commission shall have such other powers as in the judgment of a
34 majority of its members are deemed necessary to effectuate the purposes
35 of this chapter: PROVIDED, That the commission shall not have power to
36 supervise directly any local park or recreation district, and no funds
37 shall be made available for such purpose.

1 NEW SECTION. **Sec. 24.** Section 10 of this act takes effect October
2 1, 2011.

3 NEW SECTION. **Sec. 25.** Sections 1 through 8 and 16 of this act
4 constitute a new chapter in Title 79A RCW.

5 NEW SECTION. **Sec. 26.** RCW 77.32.380 (Fish and wildlife lands
6 vehicle use permit--Improved access facility--Fee--Youth groups--
7 Display--Transfer between vehicles--Penalty) and 2003 c 317 s 4, 2001
8 c 243 s 1, 2000 c 107 s 271, 1998 c 87 s 1, 1993 sp.s. c 2 s 77, 1991
9 sp.s. c 7 s 12, 1988 c 36 s 52, 1987 c 506 s 90, 1985 c 464 s 11, &
10 1981 c 310 s 15 are each repealed.

11 NEW SECTION. **Sec. 27.** Except for section 10 of this act, this act
12 is necessary for the immediate preservation of the public peace,
13 health, or safety, or support of the state government and its existing
14 public institutions, and takes effect July 1, 2011.

---- END ---

SB 5622 - Section by Section Policy and Technical Suggestions:

Sec. 2. – We greatly prefer the current name for the pass over “One-Pass” that was mentioned. The “Discover pass” has more of a connection to the recreational experience and “One-Pass” is already in use by banks and Continental Airlines.

Sec. 3. – At this time the bill would restrict pass distribution to DOL and WDFW. We have other options and would like to suggest that the bill grant authority to expand distribution. Would page 2, line 31 be a good place to amend?

Please add additional authority so that the Commission may allow those that already pay significant fees to enter the state parks for those purposes. The camping registration slip on the front dashboard is currently required and could serve as a defacto pass.

The volunteer hours are somewhat problematic, because camp hosts already receive free camping as a compensation for their services. In addition, around 70 percent of the individual volunteers put in 40 hours of time. We hope that the number of volunteer hours does not decrease. Would it be possible to add authority for the Commission to establish rules around what constitutes an agency sanctioned volunteer project?

Note: I spoke with James McMahan and he has not received comments back from his committee of county auditors, but they will be looking for the authority to charge a transaction fee on every vehicle registration. If they could be treated equally with the vendors through the WILD system, the county auditors might be more supportive.

Sec. 5 – It would be good to have some ability to enforce without waiting by the car and to have non-commissioned staff doing the enforcement. The one thing to avoid is sticking the enforcement into the parking statutes.

Sec. 6. – Could there be some specific language about how often the Treasurer should transfer the funds to the agencies? We are currently receiving transfers daily from the Department of Licensing. These funds will be crucial, especially as we transition off the General Fund.

Sec. 8 – We totally understand the rationale for changing from opt-out to opt-in, but want to make sure that everyone knows that this will decrease participation. Additive changes, such as removal of DOL from the process entirely would cause grave concerns.

Section 18: Please delete lines 36-37 on page 12 and line 1 on page 13. The purposes of the state parks renewal and stewardship account are stipulated in the statute and our budget office was concerned that they would be required to create a sub-account for revenue from the pass.

Sec. 21. We know that the Department of Licensing at least needs to October 1, 2011 to implement the changes, but can we get going faster with the WILD system. That would bring money in faster and help us to keep some of our reserves after July 1, 2011. We would still like to retain the donation program until the Department of Licensing process starts.

WDFW COMMENTS, EDITS AND ISSUES 1-31-2011

Section 1 (3) need to remove reference to a personal pass

Section 2 (3) – in our previous comments we suggested that we specify what Recreation site or land is for each agency and provided proposed language. The AG suggest that one may want to add a sentence in section 3 that gives the agencies the authority to adopt rules defining the agencies' lands that are subject to the pass/permit and that fit within the definition of "recreation site or land". The definition of "recreation site or land" strongly implies that the agencies will adopt rules to designate where the pass or permit is required, but, there is no express reference to rulemaking. Also, the Administrative Procedure Act would require the agencies to adopt rules. Part of the APA definition of a rule is "any agency order, directive, or regulation or general applicability (a) the violation of which subjects a person to a penalty or administrative sanction[.]" RCW 34.05.010(16). While the penalty would be authorized and fixed in statute, where it applies would be fixed by the agency, and that is the aspect that could be subject to rulemaking.

We also have not addressed the issue of boat launches – it would be important for us to decide if boat launches were covered by the pass or not.

Here is what we suggested before

(a) For purposes of this section Department of Fish and Wildlife "recreation area" means any area managed for outdoor recreation or fish and wildlife conservation including water access areas, wildlife areas, parking areas, roads, trailheads, and trails under ownership, management, lease, or control of the department, or "public lands" as defined in RCW 79.02.010.

Section 2(4) – the definition of "vehicle" should be amended. The first link below contains the cross-reference to "vehicle" and the definition found in RCW 46.04.670 is very broad. We only want to include vehicles that are required to be registered by DOL and that would eliminate all the types of vehicles listed in the second link above, RCW 46.16A.080. So, to include vehicles that are required to obtain registrations, it needs to say: "Vehicle" has the same meaning as defined in RCW 46.04.670 **excluding those vehicles not required to be registered under RCW 46.16A.080.** (Added language in bold).

<http://apps.leg.wa.gov/rcw/default.aspx?cite=46.04.670>

<http://apps.leg.wa.gov/rcw/default.aspx?cite=46.16A.080>

Section 3(1) For clarity, we may want to add "...is required to park a vehicle at any recreation site. . ." (bold added) –

Need to be clear from this point on whether the pass and permit infraction is applied to parked cars only, or even moving vehicles (the section 5 requirement is for vehicles "located" at recreation sites and lands). WDFW needs to be able to cite parked vehicles. This needs to be clean up throughout – for instance note that section 15, applicable to WDFW, applies to parked vehicles, but section 5 provides for "notice of infraction to any person." As written the enforcement officer would have to wait at the parked vehicle for the owner to return. The language in section 5 raises an argument that the officer

has to provide the citation to the person, and not leave it on the vehicle. The ambiguity here also raises the question whether the public safety and education assessments authorized in RCW 3.62.090 will apply, which we've discussed before. They do not apply to parking infractions.

This access permit goes with the car and not the person. Violation has to be tied to the failure of not displaying in the car and must allow the car to receive a ticket for not displaying – which may need to be a parking infraction as opposed to a natural resource infraction. This then could lead to Park's issues with sales tax. Need legal counsel from all three agencies to figure out how to achieve this.

Section 3 (3). Pass is valid for one year from the date of issuance

This is fine for WILD, but for tabs I think would be a problem since the tabs are for a given period and people can renew them before or after the tab period – this may result in a fiscal impact that we have not considered in implementation.

Section 3(6) The discover pass must contain space for the vehicle license plate number.

We recommended language here regarding the need of where to display and the license plate # needs to be written in ink - without it we would be doing more rule making – otherwise it becomes difficult to enforce. We recommend adding our proposed language back in.

Section 4 – we should make the same provisions for adjusting the 10 dollars to the CPI – so that we do not have to go through this again. See suggested language provided before.

Section 5(1) end of sentence – should read “recreation site or land” - delete “on recreation” before the word “land”

Section 5(4) Note that the infraction is issued to a “person” “who fails to comply with this section” – this could weaken argument that citations can be left on the motor vehicle

Section 6 – Change from 8% to 7.5% was a surprise – to get closer to the monetary split we had agreed too the split would need to be 7.7% - this is a stakeholder issue.

Section 7(5)(b): should read: “**The discover pass or day-use permit issued. . .**” (bold added)

Section 15(2): Delete “lands owned or managed by the department” and replace with “recreation site or land”.

Section 16(2)(b): Delete the word “permits” and replace with “**The discover pass and day-use permit**”

Section 13(2) gives the WDFW Director the authority to enter in to an agreement with DNR or Parks to “. . . enforce certain civil infractions created under this title”. The problem is that section 5 creating the infraction for failing to have the pass/permit will be codified as a new chapter in RCW 79A, so, it will not be under Title 77. The language at the end of Sec. 13(2) should read “under this title and section 5 of this act” if you want reciprocal enforcement authority to apply to both infractions created under Title 77 and the pass and permit infractions created in section 5 of the bill. If you want reciprocal enforcement authority over just the pass and permit infractions, then it should read “under section 5 of this act.”

Sec 21 This act takes effect October 1, 2011

There could be a system issues with the access permits which will per legislation would need to be effective for one year from date of issuance (which is what we want) however when folks purchase in September it is that date that will begin the 1 year, we can work with enforcement or in WAC - rule making - to address this (not worth the system change costs)

SENATE BILL 5622

State of Washington

62nd Legislature

2011 Regular Session

By Senators Ranker, Swecker, Fraser, Hargrove, White, Regala, Shin, Chase, Kline, and Conway; by request of Parks and Recreation Commission, Department of Natural Resources, and Department of Fish and Wildlife

Read first time 02/01/11. Referred to Committee on Natural Resources & Marine Waters.

1 AN ACT Relating to recreation access on state lands; amending RCW
2 4.24.210, 46.16A.090, 7.84.030, 79A.05.160, 43.12.065, 77.15.020,
3 77.32.560, 77.32.010, 77.15.750, 43.30.385, 79A.05.215, 77.12.170, and
4 79A.05.070; adding a new section to chapter 7.84 RCW; adding a new
5 chapter to Title 79A RCW; repealing RCW 77.32.380; prescribing
6 penalties; and providing an effective date.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

8 NEW SECTION. **Sec. 1.** (1) The legislature finds that there is an
9 increasing demand for outdoor recreation opportunities and conservation
10 measures on lands managed by the department of fish and wildlife, the
11 department of natural resources, and the parks and recreation
12 commission. Development and maintenance of outdoor recreation
13 facilities and conservation of lands have not kept pace with this
14 demand. This demand, combined with shrinking resources for management,
15 has led to the degradation of our lands to the detriment of the
16 recreating public and efforts to conserve our natural resources.

17 (2) The legislature further finds that the recreating public cannot
18 readily discern which agency of the state is responsible for the

1 management of particular state lands or which policies apply to those
2 lands.

3 (3) It is the intent of this act to reform and improve access to
4 and management of state lands on a sustainable basis for the recreating
5 public by: Providing an integrated personal and vehicle access permit
6 and access policies for state lands; recovering the cost incurred by
7 the state for operations and management of recreation opportunities;
8 providing resources to address the growing demand and impacts of
9 outdoor recreationists and conservation of our natural resources; and
10 providing effective education and enforcement of state land access
11 policies.

12 **NEW SECTION.** **Sec. 2.** The definitions in this section apply
13 throughout this chapter unless the context clearly requires otherwise.

14 (1) "Agency" or "agencies" means the department of fish and
15 wildlife, the department of natural resources, and the parks and
16 recreation commission.

17 (2) "Discover pass" means the annual pass created in section 3 of
18 this act.

19 (3) "Recreation site or lands" means those areas of state-owned or
20 managed lands designated by an agency where the discover pass or day-
21 use permit is required.

22 (4) "Vehicle" has the same meaning as defined in RCW 46.04.670.

23 **NEW SECTION.** **Sec. 3.** (1) The discover pass is created as a
24 renewable annual pass that is required at any recreation site or land
25 pursuant to section 5 of this act.

26 (2) Cost of the discover pass is thirty dollars per vehicle. The
27 cost of the discover pass must be adjusted once every two years for
28 inflation by the office of financial management.

29 (3) The discover pass is valid for one year from the date of
30 issuance.

31 (4) The discover pass must be made available for purchase
32 throughout the year through the department of fish and wildlife's
33 automated licensing system consistent with RCW 77.32.050.

34 (5) The discover pass must be made available for purchase through
35 the department of licensing as provided in RCW 46.16A.090.

1 (6) The discover pass must contain space for the vehicle license
2 plate number.

3 (7) A complimentary discover pass must be provided to a volunteer
4 who performed forty hours of service on agency-sanctioned volunteer
5 projects in a year. The agency must provide vouchers to volunteers
6 identifying the number of volunteer hours they have provided for each
7 project. The vouchers may be brought to an agency to be redeemed for
8 a discover pass.

9 NEW SECTION. **Sec. 4.** A person may purchase a day-use permit to
10 meet the requirements of section 5 of this act. The day-use permit is
11 ten dollars per day and must be available for purchase from each
12 agency. The day-use permit is valid for one calendar day.

13 NEW SECTION. **Sec. 5.** (1) The discover pass or the day-use permit
14 must be displayed in the front windshield of any vehicle located at a
15 recreation site or on recreation lands.

16 (2) The discover pass or the day-use permit is not required on
17 private lands, state-owned aquatic lands other than water access areas,
18 or at agency offices, hatcheries, or other facilities where public
19 business is conducted.

20 (3) The discover pass or the day-use permit is not required for
21 persons who use, possess, or enter lands owned or managed by the
22 agencies for purposes consistent with a written authorization from the
23 agency, including but not limited to leases, contracts, and easements.

24 (4) Failure to display the discover pass or the day-use permit is
25 a natural resource infraction under chapter 7.84 RCW. An agency is
26 authorized to issue a notice of infraction to any person who fails to
27 comply with this section.

28 (5) The penalty for failure to comply with the discover pass or
29 day-use permit requirements in this section is ninety-nine dollars.
30 This penalty is reduced to fifty-nine dollars if an individual provides
31 proof of purchase of the discover pass to the court within fifteen days
32 after the issuance of the notice of violation.

33 NEW SECTION. **Sec. 6.** (1) The discover pass and day-use permit
34 account is created in the state treasury. All moneys received from the

1 sale of discover passes and day-use permits must be deposited into the
2 account.

3 (2) Each fiscal biennium, the first seventy-one million dollars in
4 revenue must be distributed to the agencies in the following manner:

5 (a) Seven and one-half percent to the department of fish and
6 wildlife and deposited into the state wildlife account created in RCW
7 77.12.170;

8 (b) Seven and one-half percent to the department of natural
9 resources and deposited into the park land trust revolving fund created
10 in RCW 43.30.385; and

11 (c) Eighty-five percent to the state parks and recreation
12 commission and deposited into the state parks renewal and stewardship
13 account created in RCW 79A.05.215.

14 (3) Each fiscal biennium, revenues in excess of seventy-one million
15 dollars must be distributed equally among the agencies to the accounts
16 identified in subsection (2) of this section.

17 **Sec. 7.** RCW 4.24.210 and 2006 c 212 s 6 are each amended to read
18 as follows:

19 (1) Except as otherwise provided in subsection (3) or (4) of this
20 section, any public or private landowners or others in lawful
21 possession and control of any lands whether designated resource, rural,
22 or urban, or water areas or channels and lands adjacent to such areas
23 or channels, who allow members of the public to use them for the
24 purposes of outdoor recreation, which term includes, but is not limited
25 to, the cutting, gathering, and removing of firewood by private persons
26 for their personal use without purchasing the firewood from the
27 landowner, hunting, fishing, camping, picnicking, swimming, hiking,
28 bicycling, skateboarding or other nonmotorized wheel-based activities,
29 hanggliding, paragliding, rock climbing, the riding of horses or other
30 animals, clam digging, pleasure driving of off-road vehicles,
31 snowmobiles, and other vehicles, boating, nature study, winter or water
32 sports, viewing or enjoying historical, archaeological, scenic, or
33 scientific sites, without charging a fee of any kind therefor, shall
34 not be liable for unintentional injuries to such users.

35 (2) Except as otherwise provided in subsection (3) or (4) of this
36 section, any public or private landowner or others in lawful possession
37 and control of any lands whether rural or urban, or water areas or

1 channels and lands adjacent to such areas or channels, who offer or
2 allow such land to be used for purposes of a fish or wildlife
3 cooperative project, or allow access to such land for cleanup of litter
4 or other solid waste, shall not be liable for unintentional injuries to
5 any volunteer group or to any other users.

6 (3) Any public or private landowner, or others in lawful possession
7 and control of the land, may charge an administrative fee of up to
8 twenty-five dollars for the cutting, gathering, and removing of
9 firewood from the land.

10 (4) Nothing in this section shall prevent the liability of a
11 landowner or others in lawful possession and control for injuries
12 sustained to users by reason of a known dangerous artificial latent
13 condition for which warning signs have not been conspicuously posted.
14 A fixed anchor used in rock climbing and put in place by someone other
15 than a landowner is not a known dangerous artificial latent condition
16 and a landowner under subsection (1) of this section shall not be
17 liable for unintentional injuries resulting from the condition or use
18 of such an anchor. Nothing in RCW 4.24.200 and this section limits or
19 expands in any way the doctrine of attractive nuisance. Usage by
20 members of the public, volunteer groups, or other users is permissive
21 and does not support any claim of adverse possession.

22 (5) For purposes of this section, the following are not fees:

23 (a) A license or permit issued for statewide use under authority of
24 chapter 79A.05 RCW or Title 77 RCW; ((and))

25 (b) A pass or permit issued under section 3 or 4 of this act; and

26 (c) A daily charge not to exceed twenty dollars per person, per
27 day, for access to a publicly owned ORV sports park, as defined in RCW
28 ((46.09.020)) 46.09.310, or other public facility accessed by a
29 highway, street, or nonhighway road for the purposes of off-road
30 vehicle use.

31 **Sec. 8.** RCW 46.16A.090 and 2010 c 161 s 420 are each amended to
32 read as follows:

33 (1) The department, county auditor or other agent, or subagent
34 appointed by the director shall provide an opportunity for a vehicle
35 owner to make a voluntary donation as provided in this section when
36 applying for an initial or renewal vehicle registration.

1 (2) (a) A vehicle owner who registers a vehicle under this chapter
2 may donate one dollar or more to the organ and tissue donation
3 awareness account to promote the donation of organs and tissues under
4 the uniform anatomical gift act as described in chapter 68.64 RCW. The
5 donation of one or more dollars is voluntary and may be refused by the
6 vehicle owner.

7 (b) The department, county auditor or other agent, or subagent
8 appointed by the director shall:

9 (i) Ask a vehicle owner applying for a vehicle registration if the
10 owner would like to donate one dollar or more;

11 (ii) Inform a vehicle owner of the option for organ and tissue
12 donations as required under RCW 46.20.113; and

13 (iii) Make information booklets or other informational material
14 available regarding the importance of organ and tissue donations to
15 vehicle owners.

16 (c) All reasonable costs associated with the creation of the
17 donation program created under this section must be paid proportionally
18 or by another agreement by a participating Washington state organ
19 procurement organization established for organ and tissue donation
20 awareness purposes by the Washington state organ procurement
21 organizations. For the purposes of this section, "reasonable costs"
22 and "Washington state organ procurement organization" have the same
23 meaning as in RCW 68.64.010.

24 (3) ~~((The department shall collect from a vehicle owner who pays a
25 vehicle license fee under RCW 46.17.350(1) (a), (d), (e), (g), (h),
26 (j), (n), (o), or (q) or who registers a vehicle under RCW 46.16A.455
27 with a declared gross weight of ten thousand pounds or less a voluntary
28 donation of five dollars. The donation may not be collected from any
29 vehicle owner actively opting not to participate in the donation
30 program. The department shall ensure that the opt out donation under
31 this section is clear, visible, and prominently displayed in both paper
32 and online vehicle registration renewals. Notification of intent to
33 not participate in the donation program must be provided annually at
34 the time of vehicle registration renewal. The donation must be
35 deposited in the state parks renewal and stewardship account
36 established in RCW 79A.05.215 to be used for the operation and
37 maintenance of state parks.)) Beginning with vehicle license fees that
38 are due or will become due on or after the effective date of this~~

1 section, a vehicle owner who registers a vehicle under this chapter may
2 purchase a discover pass for a fee of thirty dollars, as may be
3 adjusted for inflation under section 3 of this act. Purchase of the
4 discover pass is voluntary and may be refused by the vehicle owner.
5 The discover pass fee must be deposited in the discover pass and day-
6 use permit account created in section 6 of this act.

7 **NEW SECTION.** **Sec. 9.** A new section is added to chapter 7.84 RCW
8 to read as follows:

9 The director chosen by the state parks and recreation commission,
10 the commissioner of public lands, and the director of the department of
11 fish and wildlife are each authorized to delegate and accept
12 enforcement authority over natural resource infractions to or from the
13 other agencies through an agreement entered into under the interlocal
14 cooperation act, chapter 39.34 RCW.

15 **Sec. 10.** RCW 7.84.030 and 2009 c 174 s 1 are each amended to read
16 as follows:

17 (1) An infraction proceeding is initiated by the issuance and
18 service of a printed notice of infraction and filing of a printed or
19 electronic copy of the notice of infraction.

20 (2) A notice of infraction may be issued by a person authorized to
21 enforce the provisions of the title or chapter in which the infraction
22 is established, or by a person authorized by an interlocal agreement
23 entered into under section 9 of this act, when the infraction occurs in
24 that person's presence.

25 (3) A court may issue a notice of infraction if a person authorized
26 to enforce the provisions of the title or chapter in which the
27 infraction is established, or by a person authorized by an interlocal
28 agreement entered into under section 9 of this act, files with the
29 court a written statement that the infraction was committed in that
30 person's presence or that the officer has reason to believe an
31 infraction was committed.

32 (4) Service of a notice of infraction issued under subsection (2)
33 or (3) of this section shall be as provided by court rule.

34 (5) A notice of infraction shall be filed with a court having
35 jurisdiction within five days of issuance, excluding Saturdays,
36 Sundays, and holidays.

1 **Sec. 11.** RCW 79A.05.160 and 1965 c 8 s 43.51.170 are each amended
2 to read as follows:

3 (1) The members of the ((state parks and recreation)) commission
4 and ((such of)) its designated employees ((as the commission may
5 designate)) shall be vested with police powers to enforce the laws of
6 this state.

7 (2) The director may, under the provisions of section 9 of this
8 act, enter into an agreement allowing employees of the department of
9 natural resources and the department of fish and wildlife to enforce
10 certain civil infractions created under this title.

11 **Sec. 12.** RCW 43.12.065 and 2003 c 53 s 229 are each amended to
12 read as follows:

13 (1) For the promotion of the public safety and the protection of
14 public property, the department of natural resources may, in accordance
15 with chapter 34.05 RCW, issue, promulgate, adopt, and enforce rules
16 pertaining to use by the public of state-owned lands and property which
17 are administered by the department.

18 (2)(a) Except as otherwise provided in this subsection, a violation
19 of any rule adopted under this section is a misdemeanor.

20 (b) Except as provided in (c) of this subsection, the department
21 may specify by rule, when not inconsistent with applicable statutes,
22 that violation of such a rule is an infraction under chapter 7.84
23 RCW((- PROVIDED, That)). However, any violation of a rule relating to
24 traffic including parking, standing, stopping, and pedestrian offenses
25 is a traffic infraction.

26 (c) Violation of such a rule equivalent to those provisions of
27 Title 46 RCW set forth in RCW 46.63.020 remains a misdemeanor.

28 (3) The commissioner of public lands and ((such of his or her))
29 those employees as ((he or she)) the commissioner may designate shall
30 be vested with police powers when enforcing:

31 (a) The rules of the department adopted under this section; ((or))
32 (b) The civil infractions created under section 5 of this act; or
33 (c) The general criminal statutes or ordinances of the state or its
34 political subdivisions where enforcement is necessary for the
35 protection of state-owned lands and property.

36 (4) The commissioner of public lands may, under the provisions of
37 section 9 of this act, enter into an agreement allowing employees of

1 the state parks and recreation commission and the department of fish
2 and wildlife to enforce certain civil infractions created under this
3 title.

4 **Sec. 13.** RCW 77.15.020 and 2005 c 321 s 2 are each amended to read
5 as follows:

6 (1) If the commission or director has authority to adopt a rule
7 that is punishable as a crime under this chapter, then the commission
8 or director may provide that violation of the rule shall be punished
9 with notice of infraction under RCW 7.84.030. Neither the commission
10 nor the director have the authority to adopt a rule providing that a
11 violation punishable as an infraction shall be a crime.

12 (2) The director may, under the provisions of section 9 of this
13 act, enter into an agreement allowing employees of the state parks and
14 recreation commission and the department of natural resources to
15 enforce certain civil infractions created under this title.

16 **Sec. 14.** RCW 77.32.560 and 2009 c 333 s 42 are each amended to
17 read as follows:

18 (1) The department may sell watchable wildlife decals. Proceeds
19 from the sale of the decal must be deposited into the state wildlife
20 account created in RCW 77.12.170 and must be dedicated to the support
21 of the department's watchable wildlife activities. The department may
22 also use proceeds from the sale of the decal for marketing the decal
23 and for marketing watchable wildlife activities in the state.

24 (2) The term "watchable wildlife activities" includes but is not
25 limited to: Initiating partnerships with communities to jointly
26 develop watchable wildlife projects, building infrastructure to serve
27 wildlife viewers, assisting and training communities in conducting
28 wildlife watching events, developing destination wildlife viewing
29 corridors and trails, tours, maps, brochures, and travel aides, and
30 offering grants to assist rural communities in identifying key wildlife
31 attractions and ways to protect and promote them.

32 (3) The commission must adopt by rule the cost of the watchable
33 wildlife decal. A person may, at their discretion, contribute more
34 than the cost as set by the commission by rule for the watchable
35 wildlife decal in order to support watchable wildlife activities. ((A

1 person who purchases a ~~watchable~~ wildlife decal must be issued one
2 vehicle use permit free of charge.))

3 **Sec. 15.** RCW 77.32.010 and 2009 c 564 s 956 are each amended to
4 read as follows:

5 (1) Except as otherwise provided in this chapter, a recreational
6 license issued by the director is required to hunt for or take wild
7 animals or wild birds, fish for, take, or harvest fish, shellfish, and
8 seaweed. A recreational fishing or shellfish license is not required
9 for carp, smelt, and crawfish, and a hunting license is not required
10 for bullfrogs.

11 (2) A permit issued by the department under section 3 or 4 of this
12 act is required to park a motor vehicle upon ((improved)) lands owned
13 or managed by the department ((access facilities)).

14 (3) During the 2009-2011 fiscal biennium to enable the
15 implementation of the pilot project established in section 307, chapter
16 329, Laws of 2008, a fishing permit issued to a nontribal member by the
17 Colville Tribes shall satisfy the license requirements in subsection
18 (1) of this section on the waters of Lake Rufus Woods and on the north
19 shore of Lake Rufus Woods, and a Colville Tribes tribal member
20 identification card shall satisfy the license requirements in
21 subsection (1) of this section on all waters of Lake Rufus Woods.

22 **Sec. 16.** RCW 77.15.750 and 2010 c 193 s 9 are each amended to read
23 as follows:

24 (1) A person is guilty of unlawful use of a department permit if
25 the person:

26 (a) Violates any terms or conditions of the permit issued by the
27 department or the director; or

28 (b) Violates any rule of the commission or the director applicable
29 to the requirement for, issuance of, or use of the permit.

30 (2)(a) Permits covered under subsection (1) of this section
31 include, but are not limited to, master hunter permits, crab pot
32 removal permits and shellfish pot removal permits under RCW 77.70.500,
33 depredation permits, landowner hunting permits, commercial carp license
34 permits, permits to possess or dispense beer or malt liquor pursuant to
35 RCW 66.28.210, and permits to hold, sponsor, or attend an event
36 requiring a banquet permit from the liquor control board.

1 (b) Permits excluded from subsection (1) of this section include
2 ((fish and wildlife lands vehicle use)) permits authorized under
3 section 3 or 4 of this act, commercial use or activity permits,
4 noncommercial use or activity permits, parking permits, experimental
5 fishery permits, trial commercial fishery permits, and scientific
6 collection permits.

7 (3) Unlawful use of a department permit is a misdemeanor.

8 (4) A person is guilty of unlawful use of an experimental fishery
9 permit or a trial commercial fishery permit if the person:

10 (a) Violates any terms or conditions of the permit issued by the
11 department or the director; or

12 (b) Violates any rule of the commission or the director applicable
13 to the issuance or use of the permit.

14 (5) Unlawful use of an experimental fishery permit or a trial
15 commercial fishery permit is a gross misdemeanor.

16 (6) The definitions in this subsection apply throughout this
17 section unless the context clearly requires otherwise.

18 (a) "Experimental fishery permit" means a permit issued by the
19 director for either:

20 (i) An "emerging commercial fishery," defined as a fishery for a
21 newly classified species for which the department has determined that
22 there is a need to limit participation; or

23 (ii) An "expanding commercial fishery," defined as a fishery for a
24 previously classified species in a new area, by a new method, or at a
25 new effort level, for which the department has determined that there is
26 a need to limit participation.

27 (b) "Trial commercial fishery permit" means a permit issued by the
28 department for trial harvest of a newly classified species or harvest
29 of a previously classified species in a new area or by a new means.

30 **Sec. 17.** RCW 43.30.385 and 2009 c 354 s 9 are each amended to read
31 as follows:

32 (1) The park land trust revolving fund is to be utilized by the
33 department for the purpose of acquiring real property, including all
34 reasonable costs associated with these acquisitions, as a replacement
35 for the property transferred to the state parks and recreation
36 commission, as directed by the legislature in order to maintain the
37 land base of the affected trusts or under RCW 79.22.060 and to receive

1 voluntary contributions for the purpose of operating and maintaining
2 public use and recreation facilities, including trails, managed by the
3 department. Proceeds from transfers of real property to the state
4 parks and recreation commission or other proceeds identified from
5 transfers of real property as directed by the legislature shall be
6 deposited in this fund. Disbursement from the park land trust
7 revolving fund to acquire replacement property and for operating and
8 maintaining public use and recreation facilities shall be on the
9 authorization of the department. The proceeds from real property
10 transferred or disposed under RCW 79.22.060 must be solely used to
11 purchase replacement forest land, that must be actively managed as a
12 working forest, within the same county as the property transferred or
13 disposed. The proceeds from the discover pass and day-use permit
account created in section 6 of this act must be solely used for the
purpose of operating and maintaining public use and recreation
facilities, including trails, managed by the department. In order to
16 maintain an effective expenditure and revenue control, the park land
17 trust revolving fund is subject in all respects to chapter 43.88 RCW,
18 but no appropriation is required to permit expenditures and payment of
19 obligations from the fund.

21 (2) The department is authorized to solicit and receive voluntary
22 contributions for the purpose of operating and maintaining public use
23 and recreation facilities, including trails, managed by the department.
24 The department may seek voluntary contributions from individuals and
25 organizations for this purpose. Voluntary contributions will be
26 deposited into the park land trust revolving fund and used solely for
27 the purpose of public use and recreation facilities operations and
28 maintenance. Voluntary contributions are not considered a fee for use
29 of these facilities.

30 **Sec. 18.** RCW 79A.05.215 and 2010 c 161 s 1164 are each amended to
31 read as follows:

32 The state parks renewal and stewardship account is created in the
33 state treasury. Except as otherwise provided in this chapter, all
34 receipts from user fees, concessions, leases, donations collected under
35 RCW 46.16A.090(3), and other state park-based activities shall be
36 deposited into the account. The proceeds from the discover pass and
day-use permit account created in section 6 of this act must be used

1 for the purpose of operating and maintaining state parks. Expenditures
2 from the account may be used for operating state parks, developing and
3 renovating park facilities, undertaking deferred maintenance, enhancing
4 park stewardship, and other state park purposes. Expenditures from the
5 account may be made only after appropriation by the legislature.

6 **Sec. 19.** RCW 77.12.170 and 2009 c 333 s 13 are each amended to
7 read as follows:

8 (1) There is established in the state treasury the state wildlife
9 account which consists of moneys received from:

10 (a) Rentals or concessions of the department;

11 (b) The sale of real or personal property held for department
12 purposes, unless the property is seized or recovered through a fish,
13 shellfish, or wildlife enforcement action;

14 (c) The assessment of administrative penalties, and the sale of
15 licenses, permits, tags, and stamps required by chapter 77.32 RCW and
16 RCW 77.65.490, except annual resident adult saltwater and all annual
17 razor clam and shellfish licenses, which shall be deposited into the
18 state general fund;

19 (d) Fees for informational materials published by the department;

20 (e) Fees for personalized vehicle, Wild on Washington, and
21 Endangered Wildlife license plates and Washington's Wildlife license
22 plate collection as provided in chapter ((46.16)) 46.17 RCW;

23 (f) Articles or wildlife sold by the director under this title;

24 (g) Compensation for damage to department property or wildlife
25 losses or contributions, gifts, or grants received under RCW 77.12.320.
26 However, this excludes fish and shellfish overages, and court-ordered
27 restitution or donations associated with any fish, shellfish, or
28 wildlife enforcement action, as such moneys must be deposited pursuant
29 to RCW 77.15.425;

30 (h) Excise tax on anadromous game fish collected under chapter
31 82.27 RCW;

32 (i) The department's share of revenues from auctions and raffles
33 authorized by the commission; ((and))

34 (j) The sale of watchable wildlife decals under RCW 77.32.560; and

35 (k) Moneys received from the discover pass and day-use permit
36 account created in section 6 of this act must be dedicated to

1 stewardship, operations, and maintenance of department lands used for
2 public recreation purposes.

3 (2) State and county officers receiving any moneys listed in
4 subsection (1) of this section shall deposit them in the state treasury
5 to be credited to the state wildlife account.

6 **Sec. 20.** RCW 79A.05.070 and 2006 c 141 s 1 are each amended to
7 read as follows:

8 The commission may:

9 (1) Make rules and regulations for the proper administration of its
10 duties;

11 (2) Accept any grants of funds made with or without a matching
12 requirement by the United States, or any agency thereof, for purposes
13 in keeping with the purposes of this chapter; accept gifts, bequests,
14 devises and endowments for purposes in keeping with such purposes;
15 enter into cooperative agreements with and provide for private
16 nonprofit groups to use state park property and facilities to raise
17 money to contribute gifts, grants, and support to the commission for
18 the purposes of this chapter. The commission may assist the nonprofit
19 group in a cooperative effort by providing necessary agency personnel
20 and services, if available. However, none of the moneys raised may
21 inure to the benefit of the nonprofit group, except in furtherance of
22 its purposes to benefit the commission as provided in this chapter.
23 The agency and the private nonprofit group shall agree on the nature of
24 any project to be supported by such gift or grant prior to the use of
25 any agency property or facilities for raising money. Any such gifts
26 may be in the form of recreational facilities developed or built in
27 part or in whole for public use on agency property, provided that the
28 facility is consistent with the purposes of the agency;

29 (3) Require certification by the commission of all parks and
30 recreation workers employed in state aided or state controlled
31 programs;

32 (4) Act jointly, when advisable, with the United States, any other
33 state agencies, institutions, departments, boards, or commissions in
34 order to carry out the objectives and responsibilities of this chapter;

35 (5) Grant franchises and easements for any legitimate purpose on
36 parks or parkways, for such terms and subject to such conditions and
37 considerations as the commission shall specify;

1 (6) Charge such fees for services, utilities, and use of facilities
2 as the commission shall deem proper((--The commission may not charge
3 fees for general park access or parking));

4 (7) Enter into agreements whereby individuals or companies may rent
5 undeveloped parks or parkway land for grazing, agricultural, or mineral
6 development purposes upon such terms and conditions as the commission
7 shall deem proper, for a term not to exceed forty years;

8 (8) Determine the qualifications of and employ a director of parks
9 and recreation who shall receive a salary as fixed by the governor in
10 accordance with the provisions of RCW 43.03.040 and determine the
11 qualifications and salary of and employ such other persons as may be
12 needed to carry out the provisions hereof; and

13 (9) Without being limited to the powers hereinbefore enumerated,
14 the commission shall have such other powers as in the judgment of a
15 majority of its members are deemed necessary to effectuate the purposes
16 of this chapter: PROVIDED, That the commission shall not have power to
17 supervise directly any local park or recreation district, and no funds
18 shall be made available for such purpose.

19 NEW SECTION. **Sec. 21.** This act takes effect October 1, 2011.

20 NEW SECTION. **Sec. 22.** Sections 1 through 6 of this act constitute
21 a new chapter in Title 79A RCW.

22 NEW SECTION. **Sec. 23.** RCW 77.32.380 (Fish and wildlife lands
23 vehicle use permit--Improved access facility--Fee--Youth groups--
24 Display--Transfer between vehicles--Penalty) and 2003 c 317 s 4, 2001
25 c 243 s 1, 2000 c 107 s 271, 1998 c 87 s 1, 1993 sp.s. c 2 s 77, 1991
26 sp.s. c 7 s 12, 1988 c 36 s 52, 1987 c 506 s 90, 1985 c 464 s 11, &
27 1981 c 310 s 15 are each repealed.

--- END ---

Rec Bill Issues to Address

- 1) **Signage:** This would be addressed in implementation of the act. As we dealt with the recreation rules, our officers need to make sure the public has adequate notice before when they enforce a rule, which usually comes in the form of signage. By requiring signage to be posted at site or lands could be seen as the bill requiring that the agencies designate the areas which the permit would be required, thus also requiring rule making.
- 2) **Camping fees:** State Parks is suggesting that any camping fee would also include the access fee. The following are the basic camping fees for parks.

Primitive campsite: \$12 - \$14

Standard campsite: \$19 - \$21

Partial-utility campsite: \$25-27

Full-utility campsite: \$26-\$28

State Parks may need to raise their camping fees in order to ensure that they charge enough to cover their camping expenses and the \$10 pass. If campers are excluded from the pass, then the revenue projections from Parks of what they identified they would bring in with the day pass would have to be adjusted.

- 3) **On-site Collection:** The bill requires, under section 6, that all fees collected (day pass and annual) be deposited into a single account, which is then distributed to the agencies. As a practical matter agencies will have to figure out how to collect the money on-site and physically deposit the funds into the account, which will be handled during implementation.
- 4) **Vehicle Issue:** Trailers and ORVs which are not street legal need to be excluded from the statute. The intent of this statute is to get passenger vehicles only. 4x4's may or may not be street legal depending on their construction. If the 4x4 is street legal they would be registered the same as any other passenger vehicle and can be driven directly to the trailhead, thus needing a permit. If the 4x4 is not street legal then they would not be registered and would not be required to have a permit. The following language addresses this issue:

Page 2 line 22, SEC 2 (4) "Vehicle" has the same meaning as motor vehicle defined in RCW 46.04.320670, excluding those vehicles not required to be registered under RCW 46.16A.080,

- 5) **Enforcement:** The authority to enforce the pass where a vehicle is parked or moving is currently being dealt with in cooperative with all of the agencies AGs. See 4) of suggested edit to 5622.